

**TWELFTH DAY**  
(Tuesday, January 30, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Adams.

A quorum was announced present.

The Reverend James A. Mahon of the First Presbyterian Church, Austin, Texas, offered the invocation as follows:

O Lord our God. ' In these days when so many in our state and nation tend to accept, as a matter of course, questionable behavior and activity from elected officials, we pray for the Members of this Senate. In thought and action today may they witness to the strengths of the democratic process and not its weaknesses. Where wisdom, integrity, courage, patience, or understanding is needed, our Father, give it in abundance. We ask it in the name of him through whom all things are ours, even Jesus Christ the Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Adams was granted leave of absence for today on account of illness on motion of Senator Jones.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 20  
H.C.R. 14  
H.C.R. 18  
S.C.R. 18

**REPORTS OF STANDING COMMITTEES**

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 2 (Amended)  
S.J.R. 3 (Amended)

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 31  
S.B. 6 (Amended)

**S.B. 49 (Amended)**

Senator Aikin submitted the following report for the Committee on Finance:

**C.S.S.B. 1 (Read first time)****SENATE CONCURRENT RESOLUTION 19**

Senator Harrington offered the following resolution:

S.C.R. 19, Requesting National Water Commission to grant extension of time to allow adequate time for State's response concerning future water needs.

HARRINGTON  
SCHWARTZ  
WALLACE  
LONGORIA  
McKINNON  
GAMMAGE  
BROOKS

The resolution was read.

On motion of Senator Harrington and by unanimous consent, the resolution was considered immediately and was adopted.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, January 30, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 5, Relating to restrictions on the authority of conference committees appointed to resolve disagreements between the senate and the house of representatives with regard to appropriations bills and tax bills; and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Traeger:

S.B. 105, A bill to be entitled An Act relating to the time for payment of special \$1 fee for certain receipts and certificates issued by tax assessor-collectors; removing provisions providing that the payment of the fees is a condition precedent to the validity of the receipt or certificate; removing certain provisions relating to appropriations; amending Section 4, Article 7100, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Traeger:

S.B. 106, A bill to be entitled An Act relating to the role and scope of Texas A and I University at Laredo; amending Sections 104.41 and 104.43, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Wolff:

S.B. 107, A bill to be entitled An Act relating to the sale and use of fireworks; amending Chapter 498, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 1725, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 108, A bill to be entitled An Act amending Chapter 219, Acts of the 60th Legislature, Regular Session, 1967, compiled as Chapter 9, Texas Insurance Code, Vernon's Annotated Texas Statutes, by adding thereto a new Article numbered 9.03 A so as to provide certain exemptions for certain corporations subject to the "Texas Title Insurance Act"; and declaring an emergency.

To Committee on State Affairs.

By Senator Moore:

S.B. 109, A bill to be entitled An Act relating to penalties for failure to comply with orders to arrange for conversation or transfer of messages; amending Section 5, Chapter 12, General Laws, Acts of the 30th Legislature, 1st Called Session, 1907 (Article 1431, Revised Civil Statutes of Texas, 1925); and declaring an emergency.

To Committee on State Affairs.

By Senator Herring:

S.B. 110, A bill to be entitled An Act relating to the delineation and regulation of floodplains as defined in this Act and providing penalties and other remedies including enforcement by private persons; and declaring an emergency.

To Committee on Natural Resources.

By Senator Wallace:

S.B. 111, A bill to be entitled An Act adopting Title 3 of the Family Code, relating to delinquent children, children in need of supervision, and children with mental illness, retardation, disease, or defect; amending Article 30, Penal Code of Texas, 1925, as amended, to conform with Title 3; repealing Chapter 204, Acts of the 48th Legislature, 1943 (Article 2338-1, Vernon's Texas Civil Statutes), Article 5143, Revised Civil Statutes of Texas, 1925, and Chapter 492, Acts of the 45th Legislature, Regular Session, 1937 (Article 5143a, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Herring:

S.B. 112, A bill to be entitled An Act relating to contributions and benefits for certain firemen; amending Subsection (a), Section 10D, and Subsection (c), Section 6C, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Brooks:

S.B. 113, A bill to be entitled An Act relating to corporate guaranties,

amending Section B, Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 114, A bill to be entitled An Act relating to a limited partner's grant of authority by power of attorney to a general partner; amending Section 3 of the Texas Uniform Limited Partnership Act, as amended (Article 6132a, Vernon's Texas Civil Statutes), by adding a new paragraph (c); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 115, A bill to be entitled An Act relating to service of process on foreign corporations, joint stock companies or associations, or acting corporations or associations; amending Article 8.10, Texas Business Corporation Act, by adding Section D; repealing Article 2031, Revised Civil Statutes of Texas, 1925, as amended, Section 2, Chapter 431, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 2031-1, Vernon's Texas Civil Statutes), and Chapter 202, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 2031a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Schwartz:

S.B. 116, A bill to be entitled An Act relating to the treatment of pediculosis; adding Section 3a to Chapter 178, Acts of the 49th Legislature, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Mengden:

S.B. 117, A bill to be entitled An Act relating to silent prayer in public schools; amending Chapter 2, Texas Education Code, by adding Section 2.11; and declaring an emergency.

To Committee on State Affairs.

By Senators Wallace, Gammage, Mengden and Hightower:

S.B. 118, A bill to be entitled An Act relating to the suspension of a driver's license for the offense of driving while intoxicated or under the influence of alcohol or narcotic or other drugs; amending Subsection (a), Section 24 of, and adding Section 24B to, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senators Mengden, Wallace and Andujar:

S.B. 119, A bill to be entitled An Act requiring annual reexamination of licensed drivers who are 65 years of age or older; amending Section 10, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Hightower, Ogg, Clower, Wolff, Mengden, Brooks, Traeger, Harrington, Kothmann, Wallace, Gammage, Jones, and Andujar:

S.B. 120, A bill to be entitled An Act stating the powers and authority of the Railroad Commission of Texas relating to unitization; for conservation of oil and gas and protection of correlative rights; definition of terms; providing for an application and its contents for approval of a plan of unitization; the

matters to be found by the commission and the nature of its orders; permissive provisions in plan of unitization and provisions not to be considered fair and reasonable; approval of plan of unitization by working interest owners and royalty interest owners and effective date of commission order; procedure and notice; appeals; liability for unit expense and liens to secure payments to and by unit operator and by working interest owners to royalty interest owners; the effect of unitized operations upon property rights, leases, contracts and title to property, allocation and distribution of unit production, delivery and separate sale of unit production, sale of unit production not taken in kind, title disputes, no effect upon lease obligations and applicability to lands of the State of Texas and its political subdivisions; enlargement of unit area and creation of new units; amendment of plan of unitization and commission orders and the continuing power of the commission to review and approve unitized operations covering a unit area previously established; severability of provisions; a provision that agreements are not in restraint of trade; Act supplemental to other laws relating to unitization; and declaring an emergency.

To Committee on Natural Resources.

By Senators Brooks, Longoria, Gammage, Santiesteban, Ogg, McKinnon, Traeger, Wolff and Wallace:

S.B. 121, A bill to be entitled An Act relating to bilingual education programs in the public schools; amending Chapter 21, Texas Education Code, by adding Subchapter L; amending Section 21.109, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Schwartz:

S.B. 122, A bill to be entitled An Act amending Section 3, Senate Bill 129, Acts 1963, Regular Session, 58th Legislature (Art. 548b, Vernon's Texas Civil Statutes) increasing the filing fees from \$25.00 to \$50.00 and the renewal fee from \$20.00 to \$40.00 for organizations desiring to sell prepaid funeral benefits; and amending Sections 8 and 9, Senate Bill 214, Acts 1967, 60th Legislature (Art. 548b, Vernon's Texas Civil Statutes) requiring the Banking Commissioner to collect examination fees based on the organizations outstanding contracts, cost of maintenance of the Banking Department not to exceed \$500 for each examination; and including punishment and penalty for perpetration of fraud, deception, misrepresentation or other dishonest practice in sale of any contract subject to this act; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Gammage, Brooks, Mauzy, Ogg and Schwartz:

S.B. 123, A bill to be entitled An Act providing that a person who is at least 18 years of age has all the rights, privileges, and obligations of a person who is 21 years of age; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Aikin:

S.B. 124, A bill to be entitled. An Act to create a Federal Revenue Sharing Trust Fund to receive cash authorized under the Federal State and Local Fiscal Assistance Act of 1972; to place such Trust Fund under the administrative control of the Comptroller of Public Accounts of the State of Texas and to allow the Comptroller to invest any excess cash in United States Government securities; to promulgate rules and regulations for the availability of cash; to provide that this fund will be charged with certain salary related costs, which charges are to be credited to the General Revenue Fund; and declaring an emergency.

To Committee on Finance.

By Senators Blanchard, Snelson, Wallace and Mauzy:

S.B. 125, A bill to be entitled An Act relating to the admissibility of certain evidence in a wrongful death action; amending Title 77, Revised Civil Statutes of Texas, 1925, as amended, by adding an Article 4675a; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Hightower:

S.C.R. 20, Creating a special interim Committee on State and Local Public Employees.

To Committee on Administration.

### **HOUSE BILL ON FIRST READING**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 5, To Committee on Administration.

### **NOTICE OF EXECUTIVE SESSION**

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 10:45 o'clock a.m. on Wednesday, January 31.

### **COMMUNICATION FROM CHAIRMAN OF SENATE COMMITTEE ON HUMAN RESOURCES**

**January 29, 1973**

The Honorable William P. Hobby  
Lt. Governor of Texas  
State Capitol  
Austin, Texas 78711

Dear Governor:

Re: Appointment of Sub-Committees of the Committee on Human Resources

Please let me take this means to announce the appointment of two major Sub-Committees of the Senate Committee on Human Resources. As the Sub-Committee titles will reveal, the men and women serving on these two Sub-Committees will handle some of the most important and sensitive legislation to be considered by the 63rd Legislature.

Sub-Committee on Public Health and Welfare:

Senator Bob Gammage, Chairman  
Senator A. R. Schwartz, Vice Chairman  
Senator Bill Meier

Sub-Committee on Consumer Affairs:

Senator Ron Clower, Chairman  
Senator Bob Gammage, Vice Chairman  
Senator Betty Andujar

Respectfully submitted,  
CHET BROOKS, Chairman  
Committee on Human Resources

**COMMITTEE SUBSTITUTE SENATE BILL 1 ON SECOND READING**

Senator Wolff asked unanimous consent to suspend Senate Rule 74 and take up C.S.S.B. 1 for consideration at this time.

There was objection.

Senator Wolff then moved to suspend Senate Rule 74 and take up C.S.S.B. 1 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Mauzy and Ogg.

Absent-excused: Adams.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 1, A bill to be entitled An Act making an appropriation to the Texas Constitutional Revision Commission; providing for budget approval; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING**

Senator Wolff moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard and Mauzy.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard.

Absent-excused: Adams.

### REASON FOR VOTE

I have long favored Constitutional Revision and believe that the people of Texas could and would benefit from a revision that would remove many useless provisions from our old and exceedingly long constitution, while maintaining those meaning and cherished parts which have long proved of great benefit to the people of Texas.

I have voted against C.S.S.B. 1 for the reason that the bill appropriates \$900,000.00 to finance a Constitutional Revision Commission. The sum appropriates far more than is necessary to adequately perform the duties set forth. The bill provides \$300,000.00 for per diem and travel expenses of members, staff and expert witnesses, with no adequate guide lines as to how the money shall be spent. The bill further provides a Lump Sum Appropriation of \$360,000.00 for payment of professional fees, part-time and seasonal help, travel, consumable supplies, and materials, current and recurring operating expenses, capital outlay, and all other activities for which no other provisions are made. There are no guide lines to keep the commission operating within any accepted format whatsoever.

The mere filing of a budget with the appointing authorities does not give the people of Texas any control over the conduct and activities of the Constitutional Revision Commission.

BLANCHARD

### MEMORIAL RESOLUTIONS

S.R. 55 - By Senator Herring: Memorial resolution for Mrs. Frances Hellums Hudspeth.

S.R. 56 - By Senator Herring: Memorial resolution for Mrs. Kate Jenkins Decherd.

S.R. 57 - By Senator Herring: Memorial resolution for Mrs. Jessie Daniel Ames.

S.R. 58 - By Senator Herring: Memorial resolution for William Fritz.

S.R. 59 - By Senator Herring: Memorial resolution for Mrs. Lucile M. Bloor.

S.R. 61 - By Senator Herring: Memorial resolution for Mrs. Thurlow Brush Weed.

### WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 53 - By Senator Wolff: Extending welcome to Government class, John F. Kennedy High School, San Antonio.

S.R. 54 - By Senator Wolff: Extending congratulations to Vocational Industrial Clubs of America.

S.R. 60 - By Senator Herring: Extending congratulations to Herbert C. Wilson.

S.R. 62 - By Senator Aikin: Extending welcome to Miss Bobbie Hayes, et al.



**ADJOURNMENT**

On motion of Senator Aikin the Senate at 11:08 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX**

**Sent to Governor**

**January 30, 1973**

**S.C.R. 18**

**THIRTEENTH DAY**

**(Wednesday, January 31, 1973)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend Clifford Zirkel of Tarrytown United Methodist Church, Austin, Texas, offered the invocation as follows:

Eternal God, we invoke your spirit in this Senate Chamber and also in the hearts and minds of these Senators. When they are exhausted by long meetings and longer speeches, grant them the perception to hear and accept your eternal word of peace and truth, and so find refreshment. When confused by complicated bills or conflicting proposals, lead them to a remembrance of your eternal laws and truths. When pressured from all sides by selfish interests, make these servants of the people sensitive to the inward pressure which comes from a lively and enlightened conscience. Sustain these persons, O God, in their ministries, for the sake of Thy people and purposes in our state. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Traeger and Braecklein:

S.B. 126, A bill to be entitled An Act relating to the exemption of certain veterans from fees at state supported institutions of higher education;